

**Responses to Comments Received on Draft Section 21159.28**

COMMENTS ON MAY 10 <sup>TH</sup> DRAFT	RESPONSES BASED ON JUNE 6TH DRAFT	REVISED SECTIONS
1. Is the planning component of the Regional Growth Plans (RGPs) adequate?	Yes. RGPs are regional plans that must meet smart growth goals and must identify the areas where urban housing projects are appropriate.	
a. Do the RGPs adequately identify areas where growth should happen (i.e., the urban areas)?	Section (f)(1) provides that in order to qualify as an RGP, the plan must identify the geographic location of specific areas that are appropriate for urban housing projects in existing urban areas. Section (b)(6) requires the specific urban housing project to be within that urban area.	21159.28(f)(1); 21159.28(b)(6)
b. Will the RGPs be truly regional and help address issues that must be resolved at a regional level?	Under Section (f)(5), the public agency adopting the RGP must consult with specified regional entities. Under Section (f)(6) the public agency must make the finding that the RGP promotes the general welfare of the region.	21159.28(f)(5),(6)(A)
c. Are the RGP's sufficiently "smart" growth?	<ul style="list-style-type: none"> <li>An RGP must be a regional plan that meets smart growth goals. Section (f)(6) requires the public agency adopting an RGP to make findings that the RGP will meet specified smart growth objectives, including encouraging higher density infill housing and discouraging lower density housing development remote from existing urbanized areas.</li> <li>The agency adopting an RGP must consult with the regional environmental agencies, and must make the finding that the RGP will promote the general welfare of the region.</li> </ul>	21159.28(f)(6); 21159.28(f)(5)
d. Do the RGPs sufficiently identify and address environmental and other impacts?	Yes, environmental and other impacts are considered and addressed at both the regional and local project-specific level. In addition, urban housing projects cannot be reviewed and approved under this procedure if they are sited within specified sensitive areas.	21159.28(b)(4)-(5), (7).

COMMENTS ON MAY 10 <sup>TH</sup> DRAFT	RESPONSES BASED ON JUNE 6TH DRAFT	REVISED SECTIONS
<p>i. Are the RGPs detailed enough to address project-level issues?</p>	<ul style="list-style-type: none"> <li>• Section (f)(1)-(3) provide that RGPs must be sufficiently detailed to identify specific areas that are appropriate for urban housing projects, to identify standards for the design and location of housing, and to identify specific mitigation measures recommended for individual projects.</li> <li>• Section (b) requires the jurisdiction approving a specific project to review and address project specific issues. For example, the jurisdiction must be able to impose requirements relating to aesthetics, noise, light, glare, parking and traffic.</li> <li>• Section (b) bars projects that could have an impact on sensitive environments. No projects are allowed in open space, park lands, wetlands, or NCCP habitat reserve areas. Other project-specific limitations include bars on projects in fire areas, earthquake areas, explosion risk areas, or flood-prone areas, as well as on projects in areas that could present a health risk.</li> </ul>	<p>21159.28(f)(1)-(3); 21159.28(b)(2), (4)-(5), (7).</p>

COMMENTS ON MAY 10 <sup>TH</sup> DRAFT	RESPONSES BASED ON JUNE 6TH DRAFT	REVISED SECTIONS
<p>ii. Should general plans, specific plans, etc., be made consistent with the RGP before allowing streamlining at the project level?</p>	<ul style="list-style-type: none"> <li>• We did not include this requirement because it would detract from the goal of having an immediate effect in encouraging infill development.</li> <li>• We understand that a majority of appropriate infill projects involve changing the use of a site from commercial to residential. This proposed legislation is intended to be applicable to infill housing projects even when a general plan amendment or zoning change is required.</li> <li>• In addition, the requirement that a jurisdiction first engage in a planning process would lead to significant delays.</li> <li>• As discussed above, there are adequate protections to ensure that project-level issues are addressed.</li> </ul>	
<p>iii. Is there enough mitigation? What about displacement of local residents? What about urban parks?</p>	<ul style="list-style-type: none"> <li>• Section (f) requires mitigation measures to be addressed at the regional planning level.</li> <li>• Section (b) requires the local jurisdiction to impose mitigation measures to address aesthetics, noise, light, glare, parking and traffic at the project level.</li> <li>• Section (b)(8) directs local jurisdictions to consider the applicability of their previously adopted relocation requirements.</li> <li>• Section (b)(4) prevents siting of housing projects in areas designated in the general plan as park or open space areas.</li> </ul>	<p>21159.28(f)(3); 21159.28(b)(2)-(4), (8)</p>

COMMENTS ON MAY 10 <sup>TH</sup> DRAFT	RESPONSES BASED ON JUNE 6TH DRAFT	REVISED SECTIONS
<p>2. Is the proposed legislation effective and practical?</p>	<p>Yes, because it makes streamlining benefits immediately available to projects in jurisdictions that are able to use the RGP process.</p> <ul style="list-style-type: none"> <li>• The bill addresses the need to streamline the reuse of sites now zoned for commercial, industrial and other uses to infill residential housing.</li> <li>• The bill streamlines the CEQA process for market rate housing development, rather than being limited to projects which involve a subsidized housing component as current CEQA provisions dictate.</li> <li>• While public notice and a public hearing on the project are still required by the bill, this bill eliminates the multiple layers of scoping meetings, notices of preparation, notices of availability, written comment periods and draft response comment periods now required by CEQA for EIRs for individual infill housing projects.</li> <li>• While SB 948 may allow certain EIRs to be written in a “short form” format, that bill does nothing to reduce the existing multiple scoping, notice and comment procedures that cause a typical EIR to take 9 to 15 months to complete for even smaller infill housing projects.</li> <li>• It is estimated that the approval process for an average-size urban infill project would drop from the existing seven to twenty-four months with required negative declarations and EIRs to three to six months for individual projects approved under this bill.</li> </ul>	

COMMENTS ON MAY 10 <sup>TH</sup> DRAFT	RESPONSES BASED ON JUNE 6TH DRAFT	REVISED SECTIONS
a. Do existing RGPs meet the definition in the proposed legislation?	We understand that a number of RGPs prepared by councils of governments, counties, and other entities, may meet or nearly meet the definition of RGP. To avoid ambiguity, the legislation proposes that the SCAG plan, and one Northern California plan (to be determined) be deemed to meet the RGP definition. This will provide an immediate applicability of the proposed legislation, as well as an immediate basis for evaluating whether the proposed legislation will be effective.	21159.28(g)
b. Can cities and counties develop RGPs?	Cities and counties of a certain size, as well as JPAs, can prepare RGPs. However, Section (f)(6) requires the entities preparing the plan to have a regional perspective, and provides an opportunity for regional agencies to influence the plan's perspective.	21159.28(b)(1): 21159.28(f)(6)
c. Should RGPs be tested by limiting the legislation to a pilot basis?	<ul style="list-style-type: none"> <li>Limiting the proposed legislation to a short period of time would discourage project proponents from using the RGP process.</li> <li>Limiting the proposed legislation to SCAG or other council of government with an existing regional plan may be resisted by local governments.</li> </ul>	
d. Do RGPs address typical areas for infill development, such as small non-contiguous parcels?	Nothing in the proposed legislation would prevent a project proponent from proposing an urban housing project on small non-contiguous parcels.	
e. Do cities have the ordinances and fee programs described in the statute currently in place?	We have been informed that the majority of local jurisdictions already have ordinances and fee programs in place.	

COMMENTS ON MAY 10 <sup>TH</sup> DRAFT	RESPONSES BASED ON JUNE 6TH DRAFT	REVISED SECTIONS
f. Is the area where this program can be used meaningfully large?	Even if SCAG were the only jurisdiction to have a qualifying RGP, the area covered by the program would be meaningful. SCAG covers 50% of the urbanized population in California. Its RGP identifies 2% of the SCAG region as being appropriate for urban development.	